

Absent.

Clark. Rogers.
Lewis. Williams.
Richards. Woods.

Absent—Excused.

Carlock. Parr.
Dorough.

Addition to Standing Committee.

"I move that Senator Hart Willis be added to the Committee on Criminal Jurisprudence."

HERTZBERG.

The above motion was read and adopted.

Adjournment.

There being no matters on the calendar.

On motion of Senator Bailey, the Senate, at 10:35 o'clock a. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.**Resolutions.**

Senator Suiter sent up and had read, a petition numerously signed by citizens of Wills Point, urging legislative co-operation with Governor Neff's efforts to prevent graft in public office and consolidation of several State departments in the interest of economical administration of State affairs.

Senator Watts sent up and had read a petition, urging legislation tending to restrict cotton raising in certain zones, owing to prevalence of pink bollworm.

TENTH DAY.

Senate Chamber,
Austin, Texas,

Friday, July 29, 1921.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. Bailey.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey. Clark.
Bledsoe. Cousins.
Buchanan. Darwin.
Burkett. Davidson.

Doyle. Richards.
Dudley. Rogers.
Fairchild. Suiter.
Floyd. Watts.
Hall. Williams.
Hertzberg. Willis.
Lewis. Witt.
McMillin. Wood.
Murphy. Woods.
Page.

Absent—Excused.

Baugh. Dorough.
Carlock. Parr.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Murphy.

Chicken Barbecue for Legislators.

Senator Wood here extended, on part of the citizens of Austin, an invitation to a chicken barbecue at Camp Mabry, Tuesday afternoon at 6 o'clock, inviting the members of the Senate, officers, and employees.

The invitation was accepted.

Bills and Resolutions.**Simple Resolution No. 19.**

By Senator Doyle:

Whereas, The complaint is made that there are more employees in some of the Departments than are necessary; and

Whereas, Economy demands that the number of employees be reduced to the lowest number consistent with efficiency of the service; therefore be it

Resolved: 1. That the Lieutenant Governor appoint a committee of three Senators whose duty it shall be to visit the several State Departments and make diligent investigation of the work required and the number of employees now retained in each Department, and report their findings, with recommendations, at the earliest day possible, of this session.

2. That said investigation shall extend to and include the employees of the Supreme Court, Court of Criminal Appeals, the Commission of Appeals, The Civil Court of Appeals of Austin, the Confederate Woman's Home, the State Confederate Home and the Eleemosynary Institutions.

The resolution was read and referred to the Committee on Finance.

By Senator Williams:

S. B. No. 25, A bill to be entitled

"An Act creating the Bowie Independent School District in Montague County."

Read first time and referred to Committee on Educational Affairs.

By Senator Williams:

S. B. No. 26, A bill to be entitled "An Act to close West Sycamore Street in the City of Denton, Texas, between Avenues A and B, upon the concurrence of the City Commission or the governing body of said city, dedicating the same to the use and benefit of the North Texas State Normal College and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Excused.

Senator Baugh for today, on motion of Senator Williams.

Morning call concluded.

Senate Bill No. 25.

On motion of Senator Williams, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 25 put on its second reading by the following vote:

Yeas—27.

Bailey.	Lewis.
Bledsoe.	McMillin.
Buchanan.	Murphy.
Burkett.	Page.
Clark.	Richards.
Cousins.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Williams.
Dudley.	Willis.
Fairchild.	Witt.
Floyd.	Wood.
Hall.	Woods.
Hertzberg.	

Absent—Excused.

Baugh.	Dorough.
Carlock.	Parr.

On motion of Senator Williams the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill. (See Appendix for committee report.)

The committee report was adopted.

The Chair laid before the Senate, on second reading,

S. B. No. 25, Creating the Bowie Independent School District, in Montague County.

The bill was read second time and passed to engrossment.

On motion of Senator Williams the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 25 put on its third reading and final passage by the following vote:

Yeas—27.

Bailey.	Lewis.
Bledsoe.	McMillin.
Buchanan.	Murphy.
Burkett.	Page.
Clark.	Richards.
Cousins.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Williams.
Dudley.	Willis.
Fairchild.	Witt.
Floyd.	Wood.
Hall.	Woods.
Hertzberg.	

Absent—Excused.

Baugh.	Dorough.
Carlock.	Parr.

The bill was read third time and passed by the following vote:

Yeas—27.

Bailey.	Lewis.
Bledsoe.	McMillin.
Buchanan.	Murphy.
Burkett.	Page.
Clark.	Richards.
Cousins.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Williams.
Dudley.	Willis.
Fairchild.	Witt.
Floyd.	Wood.
Hall.	Woods.
Hertzberg.	

Absent—Excused.

Baugh.	Dorough.
Carlock.	Parr.

Senate Bill No. 17.

The Chair laid before the Senate, as regular order, and on second reading,

S. B. No. 17. A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain eleemosynary institutions of

the State and other expenses of maintaining and conducting them for the two fiscal years, beginning September 1, 1921, and ending August 31, 1923, as follows: Confederate Woman's Home, State Confederate Home, State Lunatic Asylum, State Pasteur Institute, Southwestern Insane Asylum, North Texas Hospital for the Insane, East Texas Hospital for the Insane, State Epileptic Colony, State Orphans Home, State Institution for Training of Juveniles, Girls Training School, State Colony for Feeble Minded, State Tuberculosis Sanatorium, Hospital for Crippled Children, Deaf, Dumb and Blind Institute for Colored Youths, Northwest Texas Insane Asylum, State Home for Dependent and Neglected Children, and declaring an emergency."

The bill was considered by sections.

Senator Witt offered the following amendment:

Amend S. B. No. 17, in the division making appropriations for the State Orphan Home, as follows:

Insert on line 14, page 31, of the bill the following words:

"To build and equip one new school building, \$50,000."

Senator McMillin moved to table the amendment, which motion to table was adopted.

Senator Woods moved to reconsider the vote by which the amendment was tabled, and,

Senator Dudley moved to table the motion to reconsider, which motion to table was adopted by the following vote:

Yeas—17.

Bailey.	Lewis.
Bledsoe.	McMillin.
Buchanan.	Page.
Clark.	Suiter.
Darwin.	Watts.
Doyle.	Williams.
Dudley.	Willis.
Fairchild.	Wood.
Floyd.	

Nays—7.

Burkett.	Rogers.
Davidson.	Witt.
Hertzberg.	Woods.
Murphy.	

Present—Not Voting.

Richards.	Hall.
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Absent.

Cousins.

Absent—Excused.

Baugh.	Dorough.
Carlock.	Parr.

Senator Dudley offered the following amendment, which was read and adopted:

Amend Senate Bill No. 17, page 55, by adding thereto Section 2, which shall read as follows:

Section 2. The fact that the above and foregoing is one of the regular appropriation bills for the support of the State Government for the two fiscal years beginning September 1, 1921, and ending August 31, 1923, and the further fact that the present fiscal year ends August 31, 1921, and the new fiscal year begins September 1, 1921, creates an emergency for the expediting of the passage of this appropriation bill, therefore creates an emergency and an imperative public necessity which demands that the rule requiring bills to be read on three several days be suspended and that this bill become effective from and after its passage, and it is so enacted.

Here Senator Hertzberg offered the following amendment:

Amend Senate Bill No. 17, page 45, line 10 by striking out figures \$8,000—\$8,000 and inserting in lieu thereof the figures \$15,000—\$15,000.

Senator Clark moved to table the amendment, which motion to table was lost by the following vote:

Yeas—3.

Clark.	Suiter.
Doyle.	

Nays—24.

Bailey.	Lewis.
Bledsoe.	McMillin.
Buchanan.	Murphy.
Burkett.	Page.
Cousins.	Richards.
Darwin.	Rogers.
Davidson.	Watts.
Dudley.	Williams.
Fairchild.	Willis.
Floyd.	Witt.
Hall.	Wood.
Hertzberg.	Woods.

Absent—Excused.

Baugh.	Dorough.
Carlock.	Parr.

The amendment was then adopted.
Senator Woods offered the following general amendment:

Amend Senate Bill No. 17 as follows:
Strike out the following words where they appear in the bill, "Except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911."

On lines 26, 27 and 28, page 3;

On lines 31 and 32, page 6;

On line 32, page 11;

On line 1, page 12;

On lines 18 and 19, page 13;

On lines 22 and 23, page 17;

On lines 23 and 24, page 21;

On lines 24 and 25, page 25;

On lines 23 and 24, page 28;

On lines 5, 6 and 7, page 32;

On lines 4 and 5, page 35;

On lines 21 and 22, page 37;

On lines 17 and 18, page 40;

On lines 4 and 5, page 45;

On lines 1 and 2, page 50;

On lines 17 and 18, page 52;

On lines 15 and 16, page 54.

Pending discussion Senator Witt moved to table the amendment which motion to table was lost.

The amendment was then adopted.

The bill as amended, was passed to engrossment.

On motion of Senator Dudley, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 17 put on its third reading and final passage by the following vote:

Yeas—26.

Bailey.	Lewis.
Buchanan.	McMillin.
Burkett.	Murphy.
Clark.	Page.
Cousins.	Richards.
Darwin.	Rogers.
Davidson.	Suiter.
Doyle.	Watts.
Dudley.	Williams.
Fairchild.	Willis.
Floyd.	Witt.
Hall.	Wood.
Hertzberg.	Woods.

Absent.

Bledsoe.

Absent—Excused.

Baugh.	Dorough.
Carlock.	Parr.

The bill was read third time and passed finally by the following vote:

Yeas—25.

Bailey.	McMillin.
Burkett.	Murphy.
Clark.	Page.
Cousins.	Richards.
Darwin.	Rogers.
Davidson.	Suiter.
Doyle.	Watts.
Dudley.	Williams.
Fairchild.	Willis.
Floyd.	Witt.
Hall.	Wood.
Hertzberg.	Woods.
Lewis.	

Absent.

Bledsoe.	Buchanan.
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Absent—Excused.

Baugh.	Dorough.
Carlock.	Parr.

Recess.

There being nothing before the Senate, Senator Williams stated that the Penitentiary Investigating Committee would have their report ready to submit to the Senate tomorrow and moved that the Senate recess until 10 o'clock tomorrow (Saturday) morning.

Senator Clark moved that the Senate adjourn until 10 o'clock Monday morning.

The motion to adjourn was lost.

The motion to recess was adopted.

After Recess.

(Saturday, July 30)

The Senate was called to order by President Pro Tem. Bailey at 10 o'clock a. m., July 30, which was pursuant to the time recess was taken.

Senate Bill No. 18.

The Chair laid before the Senate, on second reading and regular order,

S. B. No. 18, A bill to be entitled "An Act to provide a systematic method of road maintenance; the creation of a patrol system for the care and upkeep of the public roads and highways of the State. Providing for a budget system for the road and bridge fund of the counties, and providing for its proper safeguard and expenditures. Providing for the office of county road superintendent, and defining his duties and powers, empowered him to work county-convicts upon the public roads. Au-

thorizing and directing the commissioners' court to provide for needs and equipment of the road superintendent and patrolmen so employed. Prescribing the duties and liabilities of all persons subject to road duty, and fixing penalties for the violation or neglect of such duties so imposed. Repealing all laws in conflict herewith and declaring an emergency.'

The bill was read, and on motion of Senator Woods, was laid on the table subject to call.

Report of the Penitentiary Investigating Committee of the Thirty-seventh Legislature.

Hon. Lynch Davidson, President of the Senate;

Hon. Chas. G. Thomas, Speaker of the House.

Gentlemen: We, your Committee appointed under authority of Senate Concurrent Resolution No. 10, beg to report that after the appointment of the respective committees of the Senate and House, we met and organized into one committee and elected Senator Guinn Williams as Chairman of the joint committee, and Representative Claude D. Teer, Vice Chairman, and Representative R. M. Chitwood, Secretary.

The Committee held hearings in Austin, at the Main Penitentiary at Huntsville, and visited all the farms where hearings were also held; numerous witnesses, including convicts, officers and employees of the system, and such other witnesses as the committee deemed necessary, were interrogated with reference to treatment of prisoners and the penitentiary affairs generally. A complete stenographic report of the evidence taken is herewith transmitted to you in connection with this report. Based upon the evidence had before the committee and information received by the committee, we respectfully submit the following findings of fact and recommendations:

FINDINGS OF FACT.

1. Treatment and Punishment of Prisoners.

We find that the laws and prison rules with reference to punishment have been and are being grossly violated and that many prisoners have been illegally, severely and brutally

mistreated and dealt with by subordinates who under the law and prison rules are not authorized to inflict or administer at all. We find that the use of chains by which convicts are suspended by their wrists until their toes barely touch the floor, is the principal mode of punishment used by farm managers, and that this form of punishment is used extensively on practically all the farms. The committee finds that in many instances men have been hung in this way until they have fallen out of the chains and become unconscious, and that the use of the chains is extremely barbarous. In some instances we found from the prison records that convicts had been suspended with chains for eight hours and some convicts testified that they were hung up all day. We find from actual experiments, and from the testimony of convicts, that this character of punishment is calculated to, and does, often result in permanent injuries. We did not find many instances of the use of the bat or strap as provided by law, most of the farm managers saying that they used the chains but not the bat, but did find that guards in charge of prisoners at work in fields and on the farms frequently beat them with ropes, quirts, bridle reins and pistols, without necessity or authority, and that in some instances the guards have ridden over the prisoners with their horses and have set the dogs on them, inflicting serious and painful injuries. We also found from the testimony of the convicts and the guards themselves that this corporal punishment was inflicted for slight or fancied infractions of prison regulations. Convict testimony developed the fact that many were punished in this way without authority because of their physical inability to perform the work which they were ordered to do.

We find that the convicts attempting to escape or engaged in mutinies are sometimes killed and the testimony is by no means conclusive that said killings were necessary or justifiable, nor on the other hand is the evidence sufficient to bring about a conviction. We found that the system uses other punishments, to-wit: the dark cell and solitary confinement. We also found that many of the guards were in the habit of curs-

ing and abusing the convicts under their charge, using the vilest epithets toward them. The committee made physical examination of numerous prisoners and found many of them with bodies showing that they had been whipped with ropes and otherwise illegally punished. This applied to white men as well as negroes. We also found some prisoners whose bodies showed that they had been lacerated by dog bites and testimony was developed that said lacerations had been inflicted under the direction of the dog sergeant after the escaped convict had been caught.

2. Sanitary Conditions.

We find that the sanitary conditions at the main penitentiary at Huntsville were extremely bad, unhealthy and obnoxious. That there are no sanitary sewer connections in the cells or sleeping quarters, and that the mattresses and bedding were old, dirty and full of vermin. On the Ferguson Farm we found that there was an insufficient water supply and sewerage system, that the supply of water was not sufficient to flush and clean the sewer, and that the toilets were not partitioned off from the sleeping quarters of the prisoners, rendering the sleeping quarters unsanitary and unhealthy. The sanitary conditions on the other farms were not what they should have been. On most of the farms the bedding was old, dirty and vermin infested, and the mattresses were for the most part made of corn shucks, notwithstanding the system had a bountiful supply of cheap cotton which could not be disposed of.

3. Food Conditions.

Article 6203 of 1920 Statutes provides as follows: "The Prison Commission shall see that all State prisoners are fed good and wholesome food, properly prepared, under sanitary conditions, and in sufficient quantities, and reasonable varieties, and they shall hold all under-officers performing this work strictly to account for any failure to carry out this provision. That the food may be properly prepared, the Prison Commission shall provide for the training of prisoners as cooks."

We find that this Article of the Statute was ignored and violated by under-officers with the knowledge of the Prison Commission and that there was no

effort, on the part of the Prison Commission, to prevent its violation, so far as we were able to learn. That in some instances the requisitions made by farm managers for supplies of food were ignored by the Commission. In this connection, we find that at the walls and on many of the farms the prisoners were fed peas and beans infested with weevils and worms, and also were supplied with strong and unwholesome meats, and that there was a lack of variety in the food furnished. We find that this condition conduced to great dissatisfaction among the prisoners, and created in them a resentful and rebellious spirit.

4. Classification and Segregation of Prisoners.

Article 6201 of the Statutes of Texas, 1920, provides for the classification and segregation of prisoners according to their age, prison and criminal records. We find that this law has not been complied with anywhere in the system. We further find that failure to carry out the law has been called to the attention of the prison authorities by previous investigating committees. We found side by side in the main building at Huntsville and on the various farms men who were serving life time sentences for such offenses as murder and rape, and young boys who were serving sentences of from two to five years for lesser offenses. The same conditions prevailed at the Woman's Farm.

5. Education of Prisoners.

We find that the law as laid down in Article 6203 of the 1920 Statutes of Texas with reference to education, recreation, library facilities, etc., has been practically ignored and the Prison Commission knowing the provisions of the law in this regard have made no effort to comply with the same. This condition existed on all farms, notwithstanding the fact that at the Shaw Farm and the Eastham Farm the entire prison population was composed chiefly of young white men under twenty-five years of age.

6. Spiritual Welfare of Prisoners.

We found the prison authorities were manifestly indifferent to the spiritual welfare of the prisoners, and no sympathetic effort has been made to reform the convicts, either

by religious training, or by giving them any educational opportunities, or by classifying them according to their conduct and prison and criminal record, and the policy of the law that convicts should be reformed so as to become useful citizens after their discharge seems to be no concern of the prison authorities.

7. Medical Attention to Prisoners.

We find that the medical attention received by the prisoners has been inefficient. Your committee met several of the prison physicians connected with the penal system, among them Dr. Bush, chief physician at Huntsville, and Dr. Lay and Dr. Dethridge, and it is the opinion of the committee that Dr. Lay and Dr. Dethridge should be relieved of their positions and more efficient and competent physicians secured in their stead. In the main building at Huntsville, which is under the direct supervision of Dr. Bush, we found the sanitation bad, and that efforts should have been made on the part of Dr. Bush to correct these conditions. We believe that Dr. Bush's time is too occupied with his private practice to give careful attention to his duties as prison physician. On some of the farms we find a lack of care prevailed with regard to segregating prisoners suffering from communicable diseases from others not so afflicted. On the Eastham Farm, most of the medical attention was administered by a convict trusty who was not even a licensed physician.

8. Conditions of the Tubercular Farm.

The Tubercular Farm is located two miles from Huntsville in a low altitude which is detrimental to patients suffering from tuberculosis. There were about one hundred patients on said farm suffering with said disease in its various stages. What your committee saw on this farm is almost beyond belief. Tubercular convicts poorly clad and poorly shod working in the cold and rain of a typical Texas norther. It was shown by testimony taken at this farm that the prisoners when without temperature worked nine hours a day, sometimes longer, and showed that they were hung in chains for slight violations of the rules, and that they were compelled when they did work to do manual labor, and that

they were compelled to live in buildings that leaked when it rained, and were not furnished with sufficient amount of nutritious food. It is questionable whether any qualified physician in the State of Texas would say that this farm is properly located for its purpose. The committee finds that the manager of this farm, N. T. Thornton, is indifferent, incapable, and inefficient and should be relieved of his position.

9. Business Management.

(a) General Conditions. We find that the Prison Commission has not exercised proper care in keeping close supervision over farm managers and guards, and as a result of this lack of attention abuses and mismanagement have resulted. We find that there is no systematic and accurate method of keeping check of supplies requisitioned by managers of the farms, and that the books showing the expenses of the farms, and their earnings, are kept at Huntsville, and no books are kept by the farm managers on their operations. We find that the system was operated at a considerable loss during the year 1920.

(b) Mismanagement on Blue Ridge Farm. We find that on the Blue Ridge Farm, located near Houston, Captain Robert Smith, who was in charge of the farm as manager, was in partnership with one Robinson in the business of running a butcher shop and meat market in the town of Blue Ridge, that while acting as manager in charge of this farm he sold hogs raised on his farm by the State to himself and his partner for butchering purposes, and then in turn buying from himself and partner fresh meats for the use of the farm, buying and selling at prices satisfactory to himself. We further find that this same manager was receiving financial benefits from Bassett Blakely, and that he set aside to Blakely the rents accruing to him from this farm, claiming that he did in no wise favor Blakely in these transactions. Nevertheless, we find that such arrangements as the above are not conducive to the best interests of the prison system. This manager has been discharged from the system; in this action we heartily concur, and recommend that he never again be employed by the Commission in any capacity whatever.

(c) Blue Ridge Mule Deal. We find

that Prison Commissioners W. G. Pryor and Sam W. D. Low, acting for the Commission, during the month of January, 1921, purchased from Bassett Blakely 260 mules and horses for the aggregate sum of \$39,000.00, or \$150.00 per head. These mules were carefully inspected by the committee and were found to be of value not exceeding \$60.00 per head, and it is clearly manifest that the State of Texas was grossly defrauded in the purchase of these mules and sustained a loss of approximately \$23,400.00.

(d) Richmond Oil Mill Deal. We find that the Prison Commission on or about the 14th day of December, 1920, purchased the Fort Bend Cotton Oil Mill located at Richmond, Texas, for the sum of \$125,000.00, that they paid the sum of \$31,250.00 cash and executed notes secured by lien on the mill for the balance. We find that said mill has been operated at a loss ever since its establishment in 1913, and that at the time of the purchase by the Commission it was operated at a loss of about \$52,000.00. This mill is located about seven miles from the nearest State farm. We find that the Prison Commission purchased this mill without making any investigation to determine whether or not it had been a paying business, or to determine the probable value of the same, except that they secured from one Pat Grogan, a stockholder in the mill, an estimate of its value, and upon which estimate they acted in making this purchase. We further find that they made no investigation to determine for what other mills of equal capacity could be purchased. The deal with the Prison Commission was engineered by one J. H. Farber and one W. P. Winner, acting for themselves and for Bassett Blakely, and Pat Grogan, all of said parties being stockholders in the mill. Said Winner and Farber after learning at what price they could sell the mill to the Prison Commission made other stockholders a proposition that they would be released from the corporation's indebtedness, on which the stockholders were sureties, for the surrender of their stock and the payment of a fifty per cent assessment thereon, and that Bassett Blakely, in order to help the deal through, guaranteed to the Houston Exchange National Bank the pay-

ment of the indebtedness to the said bank, owing by the Fort Bend Cotton Oil Mill, and amounting to \$94,000.00, the arrangement for the payment of a fifty per cent assessment by the stockholders, other than those above mentioned, and securing a release from the mill's indebtedness was agreed to by such stockholders without knowledge that the mill was being sold for a sum of money more than sufficient to pay all the corporation's indebtedness. We find that at the time of this transaction Winner was the president and general manager of the mill, charged with the duty of protecting the interest of all the stockholders, and that he, Farber and Pat Grogan were to receive the profits accruing from the sale. We find that the Commission, if they did not know, could easily have found out that Pat Grogan, upon whose estimate they relied, was a stockholder in the mill, and an interested party in making the sale to them; and that they could have easily learned, if they did not know, that the mill had always been a losing proposition, and that they were paying \$45,000.00 more for it than it originally cost, and that oil mills at that time were not considered a good investment, and that a similar mill could have been purchased for about one-half the price paid for this mill. In this connection we find that this same oil mill could have been purchased during a previous administration by the then Prison Commission for the sum of \$75,000.00, and that this fact was known to the Commission that purchased the mill. In making this purchase, the Commission did not have the consent of the Legislature, nor of the Governor, although by an Act of the Thirty-sixth Legislature the consent of the Legislature to purchase of real estate by the Prison Commission is required; nor, if it be considered that the machinery in the mill was the principal item of this purchase, did the Commission advertise for bids as required by this law. We believe that the Commission was without authority to make this purchase in the manner in which they made it, and were acting in violation of the above mentioned Act of the Thirty-sixth Legislature. We find that the Attorney General advised the Prison Commission that they could legally purchase the mill. However, we think this question is of such importance to

the State as to require judicial determination.

(e) Sugar Mill on Harlem Farm. We find that the copper and brass fittings on the machinery in this mill have been stolen, and that the extensive and valuable machinery in this mill is not being properly cared for, and is taking considerable damage on this account. The Commission, if they have not already done so, should take immediate steps to conserve this property.

RECOMMENDATIONS

1. Punishment and Treatment of Prisoners.

The Constitution of the United States provides that no cruel or inhuman punishment shall be inflicted upon anyone for any offense, and we do not recognize corporal punishment of any character as a punishment for crime, yet that very same inhuman and cruel punishment is an every day incident of prison life in Texas. Very few states use corporal punishment of any character and then only for such offenses as mutiny and attempt on a guard. The majority of the penal institutions of the United States through their governing boards have come to the conclusion that discipline may be enforced better without resort to corporal punishment. In regard to this character of punishment a warden of the New York Penitentiary says: "It is a relic of the barbarous age and reeks with insanity." The Legislature of Texas should follow the trend of modern thought and advancement and should at least limit the use of corporal punishment to the following offenses committed by convicts, namely: mutiny, assault upon a prison official or employee, and attack upon another convict, except in self defense. When the bat is used as a mode of punishment for the commission of such offenses, we recommend that its use be strictly in accordance with the provisions of law and not applied to the bare skin, and when the law is violated the officer or employee guilty of such violation should be immediately discharged from the system. We further recommend the immediate abolishment of the chains as a mode of punishment in the penitentiary system because their use is barbarous and inhuman and greatly abused. If the Governor will submit this subject, we

recommend that a law be enacted by this special session of the Legislature prohibiting the use of the chains and confining the use of the bat or strap to these causes above mentioned.

2 Prison Reform, Segregation, Education, Spiritual Training of Convicts.

Apparently no effort has been made during past years to carry out the most important policy of our criminal jurisprudence, the reformation of the prisoners. A prison system which is conducted solely with the idea of making a profit off of the prisoners committed to its charge, is from the outset predestined to failure. We recommend that the segregation and classification of prisoners as provided by law be immediately accomplished in order that the penitentiary may become what its name implies rather than an incubator of criminals; that the present law be amended so as to make this policy compulsory, and providing heavy penalties for failure of the Commission to put it into effect. Competent chaplains should be secured for the main building and the various farms, men who are active and men who understand their responsibilities. We think the duties of such chaplains should, among other things, be to keep the prisoners in touch with their families and their friends on the outside, and that the convicts be given every opportunity for religious training and affiliation. Removed as the prisoner is from every good influence that he has ever known, and with practically every tie severed, we think that earnest and sincere efforts to reform the criminal should be made through such agencies.

3. Board of Supervision.

In order to prevent the ever recurring brutalities and abuses of the convicts, as found to exist by all legislative investigating committees, this committee recommends that at this session of the Legislature, an advisory board, or board of supervision be created by law, consisting of three persons, one of whom shall be a woman, who shall serve without pay and whose duties shall be as follows:

(a) At the request of the chairman of said board the main penitentiary and the various farms shall be visited by said committee or a member

of same not less than once every three months.

(b) To make an investigation of the treatment of the convicts of the Texas penitentiary system with reference to punishment inflicted, food, clothing, sanitation, health, spiritual and educational training, segregation and classification, and to look into such other matters concerning the general welfare of the convicts as they may deem necessary.

(c) To make quarterly report to the Governor of the State of Texas, and to the Prison Commission as to the conditions as they find them in the penitentiary system, together with their recommendations, and to report all prison officials and employees who are found to be derelict in their duties or who have acted in the handling of said prisoners in violation of the law. These reports are also to be furnished the Legislature when it convenes, and when deemed necessary by said board given to the public through such mediums as they may see fit.

(d) In order to carry out their duties, said board should have access to the main prison and to any farm or camp at any time, and should not be required to give any notice of their proposed visit, but have the right to inspect any department of the system in detail, and the right to confer freely and privately with any convict in the system, and the power to administer oaths and take testimony. The members of this board shall be appointed by the Governor to serve without pay but shall receive traveling expenses while in actual discharge of their duties, and have the right to engage the services of a stenographer at the expense of the State.

(e) The members of this board shall hold office for two years.

We believe that such a board could bring about a better handling of the convicts and prevent unnecessary mistreatment and brutality.

4. Sanitary and Food Conditions.

If the revolting conditions found on the Ferguson Farm have not already been remedied by the Commission, we recommend that they be remedied immediately. The sleeping quarters of the convicts on the farm and the main penitentiary should be provided with proper sanitary appli-

ances. We further recommend the passage of a law requiring the prison commission to have convicts' sleeping quarters to be thoroughly cleaned at least twice each week, and providing a penalty for failure to comply with this requirement.

Proper prison discipline and profitable labor cannot be expected from ill-fed convicts; therefore, we recommend the strict enforcement of the law requiring sufficient quantity and variety of wholesome food.

5. Funds for Discharged Convicts.

Under the present law, a convict is discharged with the small sum of \$5.00 in money and a cheap suit of clothes. It is idle to expect a man bearing the stigma of an ex-convict to take this pitiful small sum of money and install himself again as a law-abiding member of society. When this small sum is expended, he must exist,—if not honestly, still he must exist,—and we believe that it would be both justice and economy to pay discharged convicts enough to maintain themselves for at least thirty days after their discharge, in order that they may have a fair chance of securing employment.

6. Reward for Meritorious Conduct.

The committee is of the opinion that some reward should be held out to prisoners for exemplary conduct. Believing this, we think that the right of petition should not be denied any man in the penitentiary, or any of his relatives, showing reason for a pardon based on unusual circumstances or exemplary conduct. We believe that some character of tribunal should be provided for the hearing of such petitions.

7. Blue Ridge Mule Deal and Richmond Oil Mill.

On account of the manifest fraud perpetrated upon the State in the purchase of these horses and mules, we recommend that the Attorney General's Department make a thorough investigation into this transaction, and that suit be brought, either upon the bond of the official responsible, and for damages and rescission against the vendor, as said department may in its discretion determine to be proper. The notes amounting to \$39,000 executed to

Bassett Blakely for these horses and mules, should not be paid until this matter is adjudicated.

We recommend that none of the deferred payments evidenced by the lien notes executed by the Prison Commission for the Richmond Oil Mill, be paid by the Prison Commission, and that the Attorney General's Department bring suit to set aside this purchase.

2. Removal of Officials and Employees.

Since our investigation began, a number of employees of the prison system have been discharged, among them a number of guards and other employees whom we believe to be inefficient and to be guilty of violations of the prison rules and of mistreatment of prisoners. We do not deem it necessary to designate them in this report. One of these employees, Gus Harris, the warden of the main penitentiary, has been re-employed since his discharge. We recommend that his services be dispensed with permanently.

We believe that Commissioner W. G. Pryor has been guilty of indifference and willful failure in the discharge of the duties of his office, and of such gross negligence as amounts to malfeasance. We have been advised by the Attorney General's Department that Article 6027 of the Revised Statutes of Texas, providing for the removal of Prison Commissioners, is of doubtful validity, on account of the fact that it does not provide for a trial. We recommend that the law prescribing the procedure of the removal of Prison Commissioners be amended, so as to provide for the trial and removal of Prison Commissioners, in order that the cumbersome and enormous expensive method of impeachment, if applicable, need not be resorted to, and we further recommend that proceedings be then instituted to oust said Pryor from office.

9. Location of Prison Property Is a Serious Detriment to Proper Business Management

We come now to the consideration of the most serious defect in the prison system from the standpoint of efficient business management, and that is, the location of its physical properties

The physical properties of the system consist of thirteen farms, totaling 78,904 acres of land, about 45,000 acres of which is in cultivation. These farms are actually and literally scattered from the Red River to the Gulf of Mexico, ranging in distance from Huntsville, where the main penitentiary is located, from four miles to about three hundred miles. In addition to these farms, there is the main penitentiary plant at Huntsville. Most of this plant is in a dilapidated condition, and it will probably be almost as expensive to rehabilitate it and properly equip it, as it would be to re-build. Then in addition, there is the Rusk prison land and the Texas State Railroad, which under Act of the Regular Session of this Legislature, was turned over to a Board of Managers; and oil mill at Richmond which we have already mentioned, and the sugar mill on the Clements farm. The only farms easily accessible to the main penitentiary are the Wynne and Goree farms, the most inferior of the entire system, both containing an aggregate of 2976 acres. The Eastham and Ferguson farms, aggregating 17,360 acres, are within about twenty miles of Huntsville, and very inaccessible, and none of the other farms are nearer than about eighty miles from the main penitentiary. The Shaw farm, comprising 4,688 acres is located in Bowie County about 300 miles from the main penitentiary. The Clemens, Darrington, Ramsey, and Retrieve farms, comprising 37,427 acres of land, are located in Brazoria County, about 125 miles from the main penitentiary. The Harlem and Imperial farms are located in Fort Bend County, about 85 miles from the main penitentiary, and the Blue Ridge farm is located in Harris County, about 77 miles from the main penitentiary. It will be seen that the bulk of the farms are located in the southeastern part of the State, and all of them, except the Wynne and Goree farms, are too remote from headquarters. The farms are subject to storms, overflows, and the raids of insect pests which frequently destroy the crops.

There is scarcely any manufacturing carried on by the system, which depends for revenue almost entirely on its farming operations. These

operations last year resulted in a loss of virtually one million dollars, and the farming operations are far enough advanced this year that the chairman of the commission estimated that the loss for this year would be almost as much. From a financial standpoint, the use of practically all of the prisoners in farming industries in this location, scattered and isolated as the farms are, has proven a failure, resulting in financial loss nearly every year. We believe that this situation can be remedied, but we believe until it is remedied by a complete change, that the penitentiary system of Texas will continue to be an eye-sore and a drain upon tax payers.

10. Centralization of the System.

We recommend the sale of all the farms comprising the present system, the abandonment of the main penitentiary plant at Huntsville, and a re-location of the penitentiary system within fifty miles of the seat of government.

The system should be centralized. A modern penitentiary plant should be erected and properly equipped with sufficient farm lands immediately surrounding it, for the employment of that class of prisoners peculiarly fitted for farm labor. In connection with the centralized system, such factories should be installed as may be deemed advisable by the commission, to be operated with prison labor suitable for vocational employment. If possible, the machinery should be supplied by individual capital, and the output disposed of by them, as we have been informed is being done elsewhere, and can be done in our system. The labor should be furnished by the prison system, and should be under the absolute management and direction of the prison board.

We believe that a reasonable amount of farm land surrounding the central prison located in the central portion of Texas, would make the system at least self-sustaining.

In this connection, we would recommend the proper facilities for curing and canning of meats, fruits and vegetables produced by the system, be installed, in order that the system may put up its own supplies and be self-sustaining from this standpoint. We do not believe that practical farming consists of raising raw

materials for the market, and buying back the finished products in the way of supplies. If the State is to engage in farming, and we believe it should not be entirely abandoned, the same methods should apply that make for successful private farming, i. e., the production and saving, first, of practically all the food supplies required by the system.

In accomplishing the centralization of the system, the Shaw, Wynne, Goree, Ferguson and Eastham farms should first be sold. The central location should be selected, and sufficient labor be employed to erect the necessary buildings, and as the central system takes shape, the other outlying farms should be sold, and the convicts employed in the new and central location, thus gradually effecting a complete reorganization of the system which will take probably two or three years. In addition to the reasons we have given heretofore, we recommend a central system for the following reasons:

(a) That under this centralized plan, those in charge of the administration of the system, as well as the State officials, could be more easily and fully advised of the condition of prison affairs and brought more nearly in touch with the business of the prison system, which would conduce to the honest and faithful management of the affairs of the prison system.

(b) Under this plan, separation and classification of the prisoners as to age, sect, color, prison record and criminal inclination would become practicable and effective.

(c) Education and vocational training would be made possible, and would result in the reformation of prisoners so as to fit them at the expiration of their term for the duties of citizenship. Under the system as it now stands, education and moral training is exceedingly difficult, as well as the segregation of the prisoners according to their age, prison and criminal records.

(d) Brutalities and mistreatment of convicts would more easily come under the observation of the governing authorities of the prison system, and could be more readily prevented.

(e) Wholesale escapes of prisoners would be less likely to occur, and guard expense would be materially reduced.

It occurs to us that convict labor could be profitably employed in the business of crushing rock to be used in the construction of State highways, and to be used in the making of concrete for the construction of the central prison system which we are herein recommending. In this connection we would recommend that the prison commission take up with the State Highway Commissioners the advisability of establishing rock-crushing plants for the purpose of preparing road and building material for highway construction. There are bountiful supplies of rock deposit in the State of Texas, which could in this manner be utilized. Ninety per cent of the value of the output of a rock crushing plant consists of the labor required to carry and crush the rock. By the use of prison labor in this particular class of work, we would be furnishing cheap raw material for the construction of our gigantic road system. The benefit would be to the State at large, and would furnish suitable labor for a portion of the prison population. We have given careful thought to the penitentiary problem, and are convinced that until a centralized system is adopted, mismanagement, brutalities and mistreatment of prisoners, and financial loss will continue.

Whether in the same degree as we found them, and as they have been found to exist heretofore, will depend entirely upon the capacity and character of the men who are selected to have charge of the prison properties, and supervision over the convicts. When the system is centralized and systematized, and placed under efficient management, then and not until then, can the people of Texas expect relief from the present onerous burden of taxation, for the support of this system. When this is accomplished, we will expect to see the now prevalent evils disappear, and the system become an asset to the State, both from a financial and humanitarian standpoint.

Respectfully submitted,

WILLIAMS,

Chairman.

McMILLIN,

HERTZBERG,

LEWIS,

On the Part of the Senate.

TEER,
Vice-Chairman.
CHITWOOD,
WILLIAMS,
SEAGLER,
DARROCH,

On the Part of the House.

MINORITY REPORT.

I have agreed to and signed the majority report of the committee subject to the following modifications:

1. I think failure and refusal on the part of the convict to do a reasonable amount of work under proper conditions should be added to the instances suggested in the majority report where punishment is allowed, but always under the restrictions therein set forth.

2. I think the penitentiary system should, as far as possible, go out of the farming business, except for food for the system and feed for the necessary work and food stock of penitentiary. While I regret to differ with my fellow members of the committee, the reasons advanced in the majority report for removing the main penitentiary from Huntsville are, to my mind, neither conclusive nor convincing. The buildings and walls now in existence there would, on a conservative estimate, cost approximately a million dollars, besides there has recently been erected, at a cost of nearly \$200,000.00, on the Eastham Farm, near Huntsville, a modern, fireproof, concrete building. These properties would be practically lost if this farm should be sold and the headquarters of the system removed from Huntsville.

These losses, the loss of a million dollars by the operation of the system last year, a like loss from a like source facing us this year, and the depressed financial condition of the country, should, it seems to me, make us hesitate to fasten upon the taxpayers the additional burden of the enormous expense incident to such removal.

There is within the present walls of the penitentiary at Huntsville ample space for all the factories and industries, other than those of an outdoor nature, mentioned in the majority report. This space is available now and some of these industries could be put into operation within a very short period of time, say sixty or ninety days, thus affording employment for many of the convicts who on account of the short crops will otherwise be

idle unless perchance some other employment could be found for them, a contingency not now apparent.

The lands contiguous to or easily accessible to Huntsville are admirably adapted to the crops that should, in the opinion of the committee, be grown by the prison system, making Huntsville a proper point for the centralization of the system, and if Huntsville should be made the central point the widely removed farms now owned by the system should be sold.

I cannot escape the impression that the report sets forth no compelling reason for the location at or near Austin of another of the institutions of the State.

H. L. LEWIS.

The above report was directed to be printed in the Journal and lie on the table subject to call.

Simple Resolution No. 20.

Whereas, Governor W. P. Hobby is in the city at this time; and

Whereas, Our association with him in the past has been so pleasant, and he has been such a benefactor to the State, be it

Resolved, That he be granted the privilege of the floor and be asked to make a speech.

COUSINS,
FAIRCHILD.

The above resolution was read and adopted, and,

The Chair appointed Senators Fairchild, Cousins and Doyle as a committee to escort ex-Governor Hobby to the President's stand, and, being introduced, addressed the Senate.

Bills and Resolutions.

By Senator Hall:

S. B. No. 27, A bill to be entitled "An Act to amend Articles 4930, 4935, Chapter 13, Title 71, of the Revised Civil Statutes of Texas, 1911, so as to provide that the deposits thereby required or thereby referred to shall be for the benefit of the holders of all the obligations of the depositor where-soever incurred, and to repeal all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Insurance and Banking.

By Senator Burkett:

S. B. No. 28, A bill to be entitled "An Act creating the McCauley Coun-

ty Line Independent School District in Fisher and Jones counties, Texas."

Read first time and referred to Committee on Educational Affairs.

By Senator Burkett:

S. B. No. 29, A bill to be entitled "An Act abolishing the State Mining Board of the State of Texas, and conferring its authorities, powers, and duties and functions of each and all its members upon the Commissioner of Labor Statistics of the State of Texas; providing employees, making available to said Commissioner all appropriations now available to the State Mining Board, or the members thereof, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Executive Message.

The following message was received and read to the Senate:

Governor's Office,

Austin, Texas, July 29, 1921.

To the Senate and House of Representatives:

Gentlemen: I submit to you for your consideration and legislative action the following subjects dealing with local matters:

First. The creation of the Bowie Independent School District in Montague County, Texas, for free school purposes; defining its boundaries; investing the said District with exclusive control of its property and schools; providing for election of Board of Trustees and conferring upon them plenary powers; providing for the levying, assessing and collecting of taxes for the maintenance and control of said District, as provided by the laws and Constitution of Texas; providing also for the issuance and sale of bonds, according to law; means for the collection of delinquent taxes; the validating of outstanding indebtedness; and repeal of conflicting laws.

Second. The creation of the New Home Independent School District in Crosby County, Texas; defining its boundaries; providing for a Board of Trustees, defining their powers and authority, and authorizing them to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds, as provided by the laws and Constitution of Texas; providing for an assessor and collector of taxes; a Board of Equalization for said District; providing that title to all pub-

lic free school property within said territory shall vest in said Independent School District; and providing for election and terms of office of Board of Trustees of said District.

Third. The creation of the Snyder Independent School District in Hale County, Texas; defining its boundaries; investing it with exclusive control of its property and schools; providing for Board of Trustees and prescribing duties and authority; providing for an Equalization Board; declaring valid a maintenance tax and a bond tax heretofore voted; and declaring valid all debts owing to and by said District.

Fourth. The creation of the Prairie View Independent School District in Hardeman County, Texas; defining its boundaries; providing for a Board of Trustees; and conferring upon said District and Board all duties and authority provided by law.

Fifth. The creation and incorporation of the Wellman Independent School District in Terry County, Texas; defining its boundaries; providing for election of a Board of Trustees, terms of office qualifications, duties and authority; providing for a collector and assessor of taxes and a Board of Equalization; providing that title to all public free school property within said territory shall vest in the trustees of said District; declaring valid all debts owing to and by said District; providing for a seal; for filling vacancies on the Board of Trustees, and providing that said trustees shall be governed by the General Laws in matters where this Act is silent; and repealing conflicting laws.

Sixth. The creation of the Goree Independent School District in Knox County, Texas; defining its boundaries; providing for a Board of Trustees, and conferring upon said District and Board of Trustees all duties and authority now provided by law; providing for retention of present trustees in office until expiration of respective terms; for validation of maintenance tax and bonds heretofore voted in said District; providing for extension of boundaries, according to law; that outstanding bonded indebtedness of said District shall remain in full force, and assuming such indebtedness; providing for a Board of Equalization, and a tax assessor and collector.

Seventh. The creation of the Flatonía Independent School District in

Fayette County, Texas; defining its boundaries; providing for a Board of Trustees and vesting title to all school property in said trustees and their successors; assuming a pro rata of all outstanding bonded indebtedness; providing for continuation to expiration of terms of present trustees; authorizing trustees to exercise duties and authority conferred by law; validating and continuing in force local maintenance taxes heretofore voted in the territory of said District, until changed by said voters; providing for collection of taxes; and repealing conflicting laws.

Eighth. The creation of the Stanton Independent School District in Martin County, Texas; defining its boundaries; providing for Boards of Trustees and conferring upon them the duties and authority imposed by law upon independent school districts, providing that those now in office shall be retained until the expiration of their respective terms; validating outstanding bond issues; providing for an election for assuming bonded indebtedness; providing for a Board of Equalization; and providing for repeal of Chapter 128, Local and Special Laws, Regular Session, Thirty-fifth Legislature.

Ninth. The creation of the Rosenberg Independent School District in Fort Bend County, Texas, for free school purposes; defining its boundaries; providing for a Board of Trustees; vesting said District and said trustees with all the powers of an independent school district, as provided by law; assuming outstanding indebtedness; providing for elections in said District; for validating a certain bond issue and the election authorizing same; and authorizing said trustees to issue bonds and provide tax therefor.

Tenth. The creation of the Goose Creek Independent School District in Harris County, Texas; defining its boundaries; providing for a board of trustees and conferring upon them all the duties and authority now imposed by the General Laws upon independent school districts; providing for the retention of the present trustees until the expiration of their respective terms; providing that said district shall be liable for its pro rata part of any outstanding bonded indebtedness heretofore voted by the Cedar Bayou Independent School District in Harris County, or any other

school district whose territory is encroached upon by this Act; providing for the appointment by the trustees of an assessor and collector of taxes for the district, and a board of equilization; and providing for repeal of Chapter 22, of Special Laws, Regular Session, Thirty-sixth Legislature.

Eleventh. The incorporation of the Fruitvale Independent School District in Van Zandt County, Texas, for free school purposes; describing its boundaries; providing for board of trustees for the control of said district; conferring upon said trustees duties and authority imposed by law upon independent school districts; providing for assumption of outstanding bonded indebtedness heretofore voted; and providing for repeal of Chapter 1, Special Laws, First Called Session, Thirty-third Legislature.

Twelfth. The amendment to Sections 1 and 2, Chapter 58, Local and Special Laws, Regular Session, Thirty-seventh Legislature, creating the Garwood Independent School District in Colorado County, Texas; redefining the boundaries of said district.

Thirteenth. The repeal of Chapter 49, Special Laws, Regular Session, Thirty-seventh Legislature, creating the Lueders County Line Independent School District in Jones and Shackelford Counties, Texas, and reviving Chapter 11, Special Laws, Second Called Session, Thirty-first Legislature, and all amendments thereto, except in so far as the same may have been repealed previously.

Fourteenth. The creation of Vox Populi Common School District No. 5, Colorado County, Texas; defining its boundaries; providing that said district shall be under the General Laws with respect to common schools when not in conflict with this Act; providing for board of trustees; and validating local maintenance tax.

Fifteenth. The creation of Nada Common School District No. 35, in Colorado County, Texas; defining its boundaries; providing that said district shall be under the General Laws of Texas with respect to common schools, when not in conflict with this Act; and providing for a board of trustees.

Sixteenth. The creation of Coulter Common School District No. 45,

in Colorado County, Texas; defining its boundaries; providing that said district shall be under the General Laws of Texas with respect to common schools, when not in conflict with this Act; providing for a board of trustees; and validating local maintenance tax.

Seventeenth. The granting of authority to commissioners courts of any county having a population exceeding 200,000 persons and containing a city of over 160,000 persons, as ascertained by the United States census last preceding such official action, to establish, maintain and operate a law library for such county; provide funds, receive gifts or bequests, employ bonded custodians; make orders, rules and regulations necessary for its establishment and maintenance; providing for establishment and payment of claims on account of such library; and repealing Chapter 61, Acts Thirty-seventh Legislature, Regular Session, and other conflicting laws.

Eighteenth. The amendment of Chapter 46, General Laws, Regular Session, Thirty-fifth Legislature; recognizing the Twenty-eighth Judicial District of Texas, and creating a Criminal District Court for the counties of Nueces, Kleberg, Kenedy, Willacy and Cameron, and prescribing jurisdiction as a Criminal Court; conferring power to try divorce cases, and causes for collection of delinquent taxes, and fixing time for holding terms thereof; providing for appointment and election of judge, sheriff, clerk and attorney; limiting jurisdiction of the Court of the Twenty-sixth Judicial District of Texas; conferring and validating all writs, processes, bonds, recognizances and drawing of petit and grand juries of such courts to these changes; defining the jurisdiction of the District Court of the Twenty-eighth District of Texas; and repealing conflicting laws.

Nineteenth. The abolishing of the Criminal District Court of Bowie County, Texas; repealing Chapter 28, General Laws, Fourth Called Session, Thirty-fifth Legislature, and Chapter 8, General Laws, Second Called Session, Thirty-sixth Legislature creating the Criminal District Court of Bowie County; reviving any laws repealed by said statute not otherwise repealed; restoring juris-

diction of other courts of Bowie County; and making the Act effective July 1, 1922.

Twentieth. To fix the time of holding the courts in the Fifth Judicial District of Texas, validating all processes, bonds and recognizances heretofore taken in the courts of said district, and all judgments rendered or to be rendered; repealing all laws in conflict therewith.

Twenty-first. The creation of the Staples Independent School District in Guadalupe County, Texas, and defining its boundaries; providing said district with all duties and authority under the General Laws for free school purposes; abolishing Staples Common School District No. 6; providing for collection of special school tax assessed within said Staples Common School District, and transfer of all funds belonging to said Staples Common School District to the said Independent School District.

Twenty-second. The closing of West Sycamore Street in the City of Denison, Texas, between Avenues A and B, upon concurrence of the City Commission or governing body of said city, for the purpose of utilizing the grounds for the benefit of the North Texas State Normal College.

Twenty-third. The creating of the Ector County Independent School District in Ector County, Texas; defining its boundaries; providing for a board of trustees, and conferring upon them all duties and authority imposed by the General Laws for independent school districts; providing for election of said trustees; for certain outstanding bonded indebtedness to be chargeable against the territory which voted same; that said district may assume such indebtedness at an election for that purpose; vesting the title to all school property in the said trustees; and repealing laws and parts of laws conflicting with this Act.

Twenty-fourth. The creation of the Laneville Independent School District of Rusk County, Texas; defining its boundaries; vesting it with duties and authority provided by law; readjusting the boundaries of adjoining districts; providing for a board of trustees; and repealing conflicting laws.

Twenty-fifth. The creation of the Altair Independent School District in Colorado County, Texas; defining

its boundaries; providing for board of trustees; to manage and control the public free schools of said district, according to law; and investing said district with all duties and authority conferred by law upon independent school districts.

Twenty-sixth. The creation of the Stamford County Line Independent School District in Jones and Haskell Counties, Texas; defining its boundaries; providing for board of trustees; vesting it with duties and authority provided by law for independent school district; providing for elementary schools; and repealing conflicting laws.

Twenty-seventh. The extension of the limits of the Albany Independent School District of Shackelford County, Texas.

Twenty-eighth. The creation of the McCauley County Line Independent School District of Fischer and Jones Counties, Texas; defining its boundaries; providing for board of trustees, levying, assessing and collecting of taxes, issuance and sale of bonds, as provided by law for independent school districts; and repealing conflicting laws.

Twenty-ninth. The creation of the Canton Independent School District in Van Zandt County, Texas; defining its boundaries; providing for board of trustees; assumption of duties and authority, conferring by law; for continuance in office of present trustees till expiration of respective terms of office; assumption of debts owed to and by said district voting same; and repealing of conflicting laws.

Thirtieth. The amendment of Art. 7235, Chapter 6, Title 124, Revised Civil Statutes, 1911, as amended by Chapter 72, General Laws, Thirty-third Legislature, and Chapters 26 and 99 of General Laws of Thirty-fourth Legislature, et al., with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include Wheeler County.

Respectfully submitted,
PAT M. NEFF,
Governor

House Concurrent Resolution No. 8.

The Chair laid before the Senate, H. C. R. No. 8, Endorsing disarmaments program as well as endorsing

stand on subject by the President of the United States.

The Senate rule requiring committee reports to lie over for one day was suspended.

The committee report was adopted.

The resolution was then read second time and adopted.

Bills Signed.

The Chair, (President Pro Tem. Bailey), gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bill and resolution:

H. B. No. 10. Being the Judiciary appropriation bill.

H. C. R. No. 10. Providing for an investigation of graft charges.

Adjournment.

On motion of Senator Dudley, the Senate, at 10:45 o'clock a. m., adjourned until 10 o'clock Monday morning.

APPENDIX.

How Can the High Rate of Taxation Be Reduced?

(By S. C. Padleford of Fort Worth.)

To the Governor and Legislature of this State:

The administration of our Federal Government is perhaps the largest and most expensively conducted business in the world; our State Government is the largest and most expensively conducted business in this State and our Municipal Government is the largest and most expensively conducted business in this city.

Combining the Federal, State, county and municipal taxation, the public burden upon our people has become and is so excessive, as in effect, to be confiscatory as to a very large number of our people.

The greatest present governmental problem is to devise some practical method by which this unbearable burden may be reduced.

Many ascribe the cause of this excessive taxation to the reckless, unnecessary or fraudulent expenditure of the public funds.

It is the patriotic duty of those in charge of the legislative department of our government to devise the best and most efficient method of preventing this unnecessary and exorbitant expenditure of the public funds, and in order

to accomplish this result, the legislature should and must be correctly informed of the approximate amount to honestly and efficiently conduct every department, institution and office of this State.

I have heretofore advocated the following method, though there may be other and better methods of obtaining this result, which method heretofore advocated by me, is as follows:

There should be created by the Legislature a tribunal consisting of at least three competent citizens, one an able experienced lawyer, one an expert accountant and bookkeeper, and the other a broadminded, experienced and successful business man.

This tribunal should be authorized to hold sessions wherever and whenever it deems best and should be given authority to call before it by proper writs, the heads of all of the departments and institutions of this State, together with the members of all of the boards and all other State officers and employees, together with all books, records and papers having any relevancy to the expenditure of such funds, with full power and authority to examine all such persons and records, and thus to discover by whom and how and for what purpose every dollar of the public fund of this State had been expended, and also, to examine into and to learn how every officer and employee of our State Government has performed the duties of his office, and whether or not there are too many officers and employees receiving pay from our State Government. In other words, this tribunal should possess the powers of the District Court in effectuating the object of its creation. At least once in every year it should prepare and make out a correct and full itemized report of all of the ultimate facts learned by such examination with reference to the expenditure of the funds of this State, and it should show the efficiency of every officer and employee and the necessity for the existence of the continuation of every officer, employee and board.

One copy of this report should be filed with the Governor for the use of the executive department, two with the Secretary of State, one to be delivered to the House of Representatives and the other to the Senate for the use of the Legislature, and one to be delivered to the Attorney General for the use of the law department, and it

should be published in some daily paper of this State, having approximately the largest circulation for the information of the people at large.

If a tribunal consisting only of three members is not sufficient to perform the duties required, then the Governor or some other proper authorities should have power to add three more, and thus continually to add three more, in order that the tribunal may be capable of performing all of the duties required of it. It should sit in sections of three, each section having the same full jurisdiction as is conferred upon the whole tribunal.

The most serious question arising is by whom and how the members of this tribunal shall be selected, and it would not be good policy to confer this power upon the administration to be investigated by it. It should be composed not only of capable, but honest, unprejudiced, just and brave citizens, who would not in the least degree favor any individual or party in their investigation and report.

The financial affairs of each large county and city should also be investigated by sections of this tribunal or there should be a law authorizing such counties and cities to constitute such a tribunal of their own.

Examinations by these sections should be held somewhat like the examinations of bank examiners whenever and wherever it was deemed most advisable. I firmly believe that an examination of the judicial department would show that there are about twice as many judicial districts and district courts as are necessary, and that a proper re-apportionment of the State would save somewhere about \$250,000.00. The penitentiary is run at a yearly expense of about \$1,000,000.00, when it should clear for the State at least \$1,000,000.00. Such examinations, in all probability, will show that the other institutions and departments of this State are run at too great an expenditure, and that a large number of officers and employees could be eliminated without in any way impairing the efficiency of our Government.

In order to obtain efficient and capable officers, they should be well paid and generally such officers cannot be obtained without sufficient salaries.

The business of our Government should be conducted with the same ability, care and honesty as that of the large successful, private businesses.

There must not only be honesty and carefulness in public servants and employees, but there must also be ability and efficiency, and such tribunal as the above will not only secure honesty in the administration of our Government, but will to a great extent tend to secure able and efficient public servants. I believe that if such a tribunal as the above were constituted or some other like method adopted, the financial affairs of our State, counties and cities would be honestly, economically and efficiently administered, and the people would receive full value for every dollar collected by taxation, and that the present high rate of taxation could and would be considerably reduced. Fraud and extravagance will not live beneath the open gaze of the public.

I make the above suggestions for your consideration.

The above was read to the Senate and ordered printed here by vote of the Senate.

Petitions and Memorials.

Senator Watts offered and had read a communication from Hon. S. C. Padelford. (This was ordered printed in Journal—see Appendix.)

Senator Floyd offered and had read a petition from Pickton, Texas, protesting against any legislation adverse to rural school and urging appropriation of an adequate sum for rural schools. This was referred to the Committee on Finance.

Senator Floyd sent up and had read a communication from Jeff Montgomery, Mt. Pleasant, protesting against proposed consolidation of Marketing and Warehouse Department with Agricultural Department.

Senator Burkett sent up and had read telegrams from Ranger, signed by Rotary Club, from Mineral Wells, signed by a number of citizens, one from Eastland, numerous signed, one from Sweetwater, numerous signed by citizens, all protesting against action of Legislature in cutting salaries of University teachers, and cutting of University appropriation bill. This was referred to Committee on Finance.

Senator Burkett also sent up and had read two telegrams, one from Midland and one from Stamford, urging adequate appropriation for protection for cattle herds. This was referred to Committee on Finance.

Senator Hall offered and had read telegrams from Galveston Commercial

Club; from Raimundo Ovies; from Young Men's Progressive League; from James B. Stubbs; and from Rabbi Henry Cohen, all protesting against the action of the Legislature in reducing salaries of the University teachers, and in reducing appropriations for the State University, and urging continued effort to hold appropriation at present level. These were referred to the Committee on Finance.

Senator Doyle offered and had read a petition from Bryan Rotary Club, urging opposition to any reduction in salaries of University faculty. This was referred to the Committee on Finance.

Senator Witt offered and had read a telegram from Waco Rotary Club, requesting that no legislative action be taken in the matter of reduction of salaries of University faculty toward bringing about a decrease. This was referred to the Committee on Finance.

Senator Darwin sent up and had read a petition from citizens of Ladonia urging the Legislature to adopt a measure consolidating the Departments of Warehouse and Marketing and Agriculture. This was referred to the Committee on State Affairs.

Committee Reports.

(Majority Report.)

Committee Room,
Austin, Texas, July 28, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, having had under consideration

S. B. No. 12, A bill to be entitled "An Act amending Chapter 2, of Title 98, Revised Civil Statutes of the State of Texas, of 1911, by adding thereto Articles 6057a and 6057b, providing that any district, county or precinct officer guilty of wilfully and corruptly failing to discharge his official duties may be removed from office by suit filed by the Attorney General, and providing that it shall be the duty of the Attorney General to file such suit in the name of the State of Texas, in any District Court in the Supreme Judicial District in which the officer sought to be removed resides, after having given such officer the right to be heard before filing suit; and further providing for the method of

citation, and procedure with reference to such removal," and the committee substitute therefor,

Have had the same under consideration, and beg leave to report same back to the Senate, with the recommendation that it do not pass.

HERTZBERG, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, July 28, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, a minority of your Committee on Criminal Jurisprudence, having had under consideration

S. B. No. 12, A bill to be entitled "An Act amending Chapter 2, of Title 98, Revised Civil Statutes of the State of Texas, of 1911, by adding thereto Articles 6057a and 6057b, providing that any district, county or precinct officer, guilty of wilfully and corruptly failing to discharge his official duties may be removed from office by suit filed by the Attorney General, and providing that it shall be the duty of the Attorney General to file such suit in the name of the State of Texas, in any District Court in the Supreme Judicial District in which the officer sought to be removed resides, after having given such officer the right to be heard before filing suit; and further providing for the method of citation, and procedure with reference to such removal," and the committee substitute therefor,

Have had the same under consideration, and beg leave to report back to the Senate, with the recommendation that S. B. No. 12 do not pass, but that the committee substitute therefor do pass.

SUITER.
WOODS.

(Majority Report.)

Committee Room,
Austin, Texas, July 28, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 20, A bill to be entitled "An Act to amend Chapter 5, Title 8, of the Code of Criminal Procedure of the State of Texas, of 1911, so as to prevent the reversal of criminal

cases by the Court of Criminal Appeals upon technicalities and irregularities, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass.

HERTZBERG, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, July 28, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, a minority of your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 20, A bill to be entitled "An Act to amend Chapter 5, Title 8, of the Code of Criminal Procedure of the State of Texas, of 1911, so as to prevent the reversal of criminal cases by the Court of Criminal Appeals upon technicalities and irregularities, and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate, with the recommendation that it do not pass.

FAIRCHILD.

Committee Room,

Austin, Texas, July 29, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 25, A bill to be entitled "An Act creating the Bowie Independent School District in Montague County, Texas, out of the territory known as the Bowie Independent School District in said county, for free school purposes only and defining its boundaries; providing for the extension of its boundaries; divesting the City of Bowie of the control of its public free school, repealing Chapter 3, H. B. No. 117, of the Local and Special Laws passed by the Thirty-first Legislature and repealing Chapter 43, S. B. No. 336, of the Local and Special Laws of the Thirty-sixth Legislature and repealing Chapter 94, H. B. No. 696, Local and Special Laws of the Thirtieth Legislature, investing the Bowie Independent School District with the exclusive control of its public free schools and vesting the title to all

school property in same; providing for the election of a board of trustees and conferring upon the board plenary powers; providing for the levying, assessing and collecting of taxes for the maintenance of its public free school; providing authority to create a board of equalization and defining its duties and powers; providing authority for the board of trustees to issue bonds for the purposes of purchasing school building sites and erecting and equipping school buildings within said district and to levy taxes therefor; providing means by which the collection of delinquent taxes may be facilitated; providing for the validating of all outstanding indebtedness and further providing for the repeal of all laws in conflict herewith and declaring an emergency."

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, July 28, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred Senate Concurrent Resolution No. 5,

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

WOOD, Acting Chairman.

Senate Chamber,

Austin, Texas, July 30, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 25 carefully compared, and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, July 29, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Federal Relations, to whom was referred House Concurrent Resolution No. 8,

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it be adopted.

LEWIS, Chairman.